

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAURA F. KENNEY,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 14-12721

Paul D. Borman
United States District Judge

Elizabeth A. Stafford
United States Magistrate Judge

ORDER (1) ADOPTING THE MAGISTRATE'S REPORT AND
RECOMMENDATION (ECF NO. 27); (2) GRANTING IN PART PLAINTIFF'S
ATTORNEY'S PETITION FOR ATTORNEY FEES PURSUANT TO 28 U.S.C. §
2412 (ECF NO. 21); AND (3) AWARDING ATTORNEY FEES IN THE
AMOUNT OF \$5,227.50

Before the Court is Magistrate Judge Elizabeth A. Stafford's August 29, 2015 Report and Recommendation regarding Plaintiff's attorney's Petition for Attorneys' Fees under pursuant the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Report and Recommendation, ECF No. 27). As set forth in the Report and Recommendation, the Magistrate Judge recommends that this Court grant in part Plaintiff's attorney's petition and award her attorney fees in the amount of \$5,227.50.

Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d),

the Court ADOPTS the Report and Recommendation (ECF No. 31); GRANTS Plaintiff's Attorney's Petition for Attorney Fees under the EAJA, 28 U.S.C. § 2412, (ECF No. 21); and award fees to her in the amount of \$5,277.50. Additionally, as stated in the Report and Recommendation, the Defendant Commissioner has 14 days from the date of this Order to determine whether Plaintiff owes a pre-existing debt to the United States that would off-set the EAJA fees. If such debt exists, then the EAJA fees should be offset by the amount of the debt and the remainder paid to Plaintiff's attorney. If, however, Plaintiff does not owe any debt to the United States than the EAJA fees shall be paid directly to Plaintiff's attorney.

IT IS SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: October 19, 2015

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 19, 2015.

s/Deborah Tofil

Case Manager